

BBVCC 64.90 TASK FORCE
Meeting Minutes
October 7, 2025 at 10:00AM

Committee Members Present		
Patrick Ryan	Dan Nedved	Margreta Silverstone
Scotty Diamond		
Staff Present	David Franklin, GM	Justine Brooks, Executive Secretary

CALL TO ORDER: at 10:00 am by David Franklin.

The task force did a review of portion of 64.90 that goes into effect in January 2026. The entirety of 64.90 will go into effect January 2028 but there are a few things that will go into effect before then. David reviewed the table that was provided by the legal team for the things that go into effect January of 2026.

Conflicts with NPCA – Non Profit Corporation Act 64.32.25(3) and 64.38 (new) and how 64.90 will resolve those conflicts. The changes to 64.90 are all encompassing and all HOA’s will be following it, with very few exceptions.

In our current Declaration and Bylaws it references specific State Laws – RCW’s and with the way that the Laws are changing we need to refrain from putting in references to those specific laws. It makes it difficult to correct as the legislature changes the laws and it is referenced it makes it confusing if members are looking at them and it goes to a complete different RCW that does not pertain to the HOA acts that we are under.

With the changes in 64.90 Auxiliary Dwelling Units – ADU- the language states that we cannot prohibit them on lots. This portion is currently to only apply to HOAs created or developed after 2018 and everything else is grandfathered in. Justine looked up the law 64.90.350 and it states that it is actually for communities created after July 23, 2023 with everything else being grandfathered in. There was a discussion about adding ADUs to the Village rules or at least keep it in mind as we are in an urban growth area (UGA) and with the way the State Laws change it could be something that comes down the pipeline.

RCW 64.90.445 Membership Meetings was discussed. Currently Birch Bay Village has two Annual meetings and we would like to change that to one Annual meeting. This would eliminate the June meeting and only leave the November meeting. The requirements of 14-50 days’ notice, providing text of resolutions, and member comment period are all things that are required in January but things that we are already abide by.

Board and Committee meetings meeting a minimum of 4 times per year, convenient location or a remote location, meetings must be open except during executive session and owner comments period for 15 minutes are all things that we abide by. The main thing that we are going to have to change is 14 days for notice and providing meeting packets within a timely manner.

When David and Justine were down at the Conference in April there are some communities that were very concerned about changing the ways as their communities do not do any of these things and some that even have fully closed meetings. Birch Bay Village is on the right path by being aware of the changes and talking about them in committee meetings already. The largest impact will be on

BBVCC 64.90 TASK FORCE

Meeting Minutes

October 7, 2025 at 10:00AM

the ACC as we have to get the agendas for the meeting published 14 days in advance of the meetings, that means that members are going to have to plan ahead for when they want their projects approved. Also that we need to start communicating with the members that the State Law is changing and communicate it in a way that the membership understands with a reasonable amount of time.

64.90.480(1) One method of assessments is free. We already provide this option for the community and is something else that the Finance Committee has been looking into. We want to make the options better on the membership. The Finance Committee has been discussing and implementation for those that pay all up front for a discount to those members. That discount could possibly be a % but is still being discussed.

64.90.502 Emergency. The Board cannot just give a declaration of “emergency” this has to be a state of emergency declared by a government. Once it has been declared by a government then a Board can declare and or notify the membership.

64.90.513 Electric vehicle charging stations automatic if stand alone. This means that we can not deny or enforce a restriction the use of e.v. charging stations. David stated that when the docks were redone we should have allowed for 50amp power for electrical down to the pedestal to allow for electrical boats.

With Birch Bay Village being one of the most vulnerable communities it may be a good thing to look at to change/transition from fuel/carbon base to EV battery operated equipment. This is an initiative that the Buildings and Grounds Committee is recommending to the Board of Directors to look at with the community plan.

64.90.525 Budget and 64.90.545 Reserve Study are both things that we already abide by. For the Budget it is a 50%+1 vote of the entire membership to reject a budget. In the last two elections we have exceeded the % requirement but have had more yes votes than no votes. Reserve studies are mandatory.

David also spoke regarding resale certificates and that we must provide those to the buyer and they have 10 days to approve or reject the officer. This is one that we need to be aware of for January 1, 2028.

64.90.580 Heat pumps. (inspection costs) We cannot unreasonably withhold consent for the owner to use a common element. The task force discussed this and decided that it is not really for BBV it would be more for townhouses, condominiums, and other HOAs like that.

The task force then discussed educating the membership with little snippets in the GM weekly and putting an article in the Bulletin. It was also brought up that we need to make sure that our policies and procedures are in place and in alignment for when these changes take place.

The ACC agenda and that policy on getting the applications on that agenda and the changes taking place were discussed. Currently members can turn in their applications 10 days before the ACC meeting and be put on the agenda. In January they will be allowed to turn in an application 15 days

BBVCC 64.90 TASK FORCE

Meeting Minutes

October 7, 2025 at 10:00AM

before with any additional information required to be turned in 10 days before, anything incomplete will be noted as incomplete during the ACC meeting and will be pushed to the next meeting. This is something that the ACC is currently working on and will be educating the membership on in the next few months.

David discussed constructing a timeline and working back from the June Annual meeting that includes what the changes are, educating the membership, and town halls for a community discussion. The timeline is something that we will be working with our legal team on to ensure that we can get everything that we need in a timely manner. This process is going faster than we expected.

We are currently going back through the restated covenants and bylaws and the effect that they are going to have then bring them to the Board. David sent the attorney the recommendation of the task force of the three options; opt in and consistency, controversial, and non-controversial / recommended and asked what we need to move forward.

Single family homes and ADU's were discussed. Currently you can have 8 people in one single family residence. There was discussion regarding turning a home into a duplex and renting out portions of a house and how that would work with our current rules as the owners would need to do a rental transfer fee and then they would lose their ability to utilize the amenities. That is a rule that will require some adjustment. Renting a home for no less than 30 days was discussed and is it enforceable to restrict Airbnb rental, and what is the restriction on property rights.

There is case law Wilkinson v. Chiwawa where you now have to get a 100% vote of approval from membership to add restrictions on that were not originally there. So, the question is do we want to enforce the 30-day limit to the whole house or portions of the house.

Currently the draft copy of the revised covenants and bylaws are messy, so there is a clean copy and we are going to be color coding them to show what is being lifted from the original Covenants, what is being brought over from Bylaws to the Covenants, and the changes that go into effect in January will be in a third color. This way we know where the changes are coming from and or where they were removed from and what was removed from the original documents.

Next steps are:

- See what the timeline is that we get back from the attorney.
- Put a section in the bulletin for educating the membership on 64.90.
- Staff to color code the revised version of the Bylaws and Covenants.
- To color code the January 1st changes in a different color as they are on a shorter timeframe.
- Provide changes to the Board for the Bylaws, Covenants, and possibly policy and procedures by the December Board meeting.
- The next task force meeting is scheduled for November 14, 2025 at 10 am at the Maintenance building Conference Room.